

Town of Shirley
Massachusetts



WARRANT

for the

**SPECIAL
TOWN MEETING**

**Monday
March 21, 2005
7:15 PM
Shirley Middle School
Auditorium
1 Hospital Road**

**Town of Shirley
Warrant
Special Town Meeting
March 21, 2005**

TABLE OF CONTENTS / ORDER OF ARTICLES

<u>ARTICLE #</u>	<u>TITLE</u>	<u>PAGE</u>
1.	Authorization for the Moderator to Declare Two-Thirds Vote	3
2.	Town By-Law Amendment: Town Meeting Votes	3
3.	Zoning By-Law Amendment – Shared Residential Driveway	4
4.	Zoning By-Law Amendment – In-Law Apartment	5
5.	Zoning By-Law Amendment – Lot Area Computation	5
6.	Zoning By-Law Amendment – Low Impact Development	6
7.	Zoning By-Law Amendment – Site Plan Review	6
8.	Zoning By-Law Amendment – Schedule of Use Regulations	7
9.	Rate of Development By-Law Amendment	7
10.	Demolition Delay By-Law	8
11.	Amendment - Non-Zoning Wetlands By-Law	8
12.	Transfer of Funds from Previous Capital Authorizations	8
13.	Appropriate for Capital Improvement for FY05 by Borrowing	9
14.	Reduce Appropriations for the Current Fiscal Year	9
15.	Supplement Appropriations for Current Fiscal Year	11
16.	Citizen Petition - Recreational Vehicles By-Law Amendment	11

APPENDICES

A.	Current Cluster Residential Housing By-Law	13
B.	Proposed Low Impact Development By-Law	21
C.	Current Site Plan Review By-Law	29
D.	Proposed Site Review By-Law	32
E.	Proposed Demolition Delay By-Law	46
F.	Current Non-Zoning Wetlands By-Law	50
G.	Proposed Non-Zoning Wetlands By-Law	55

NOTICE

*If the business of this Warrant for the Special Town Meeting is not concluded on March 21st , it is proposed to adjourn as follows, provided that the Meeting so votes:
to Wednesday, March 23, 2005 at 7:15 p.m.; then to Thursday, March 24, 2005 at 7:15 p.m.*

Town of Shirley

Special Town Meeting

March 21, 2005

Warrant

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX, ss.

To any of the Constables of the Town of Shirley in said County,

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the Inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Auditorium of the Shirley Middle School at 1 Hospital Road in Shirley Village on

Monday, the Twenty-First Day of March, 2005, at 7:15 p.m.,

then and there to act on the following Articles:

Article 1. Authorization for the Moderator to Declare Two-Thirds Vote

To see if the Town will authorize the Moderator, in accordance with Section 15 of Chapter 39 of the Massachusetts General Laws, to dispense with a count of votes and declare a two-thirds vote in those instances where a two-thirds vote is required by statute and the Moderator determines that a two-thirds majority has clearly been achieved.

Article 1 - Authorization for the Moderator to Declare Two-Thirds Vote- Explanation:

This Article permits the Moderator to dispense with the count and declare a two-thirds vote in those instances where a two-thirds vote is required by statute, and the Moderator determines that a two-thirds majority has clearly been achieved for this Special Town Meeting. If any declared vote is contested immediately by seven or more voters, the Moderator shall then verify the count by a show of hands. Because most of the sixteen Articles on this Warrant will require a two-thirds vote, by accepting this provision of the General Laws, it is anticipated that it will expedite the business of this Special Town Meeting. Please note that by accepting this provision it would only allow the Moderator to declare a two-thirds vote for only this Special Town Meeting. Article 2 proposes a permanent Bylaw change permitting this action at future Town Meetings.

Recommendation: The Finance Committee recommends favorable action on Article 1.

Article 2. Town By-Law Amendment: Town Meeting Votes

To see if the Town will amend its Bylaws in Article I "Town Meetings" by deleting in its entirety Section 18 that reads:

Section 18. "On questions requiring a majority vote, voice vote shall be sufficient. For other requirements, such as two-thirds or three-fourths, the vote shall be by raise of hand. Questioned counts shall be settled by standing vote or ballot at the discretion of the Moderator."
and replacing it with the following:

Section 18. "On questions requiring a simple majority vote or a two-thirds vote, a voice vote shall be sufficient should the Moderator determine the statutory vote requirements have been achieved. On questions requiring a different majority, such as a four-fifths, or nine-tenths vote, the Moderator shall verify said count by a raise of hand. If any vote declared by the Moderator is immediately questioned by seven or more voters, the Moderator shall verify said count by a raise of hand, a standing vote, or a ballot vote.

Article 2 - Town By-Law Amendment: Town Meeting Votes Explanation:

This Article proposes to amend the Town Bylaws by permanently putting into place the Moderator ability to declare a two-thirds voice vote in those instances where a two-thirds vote is required by statute, and the Moderator determines that a two-thirds vote has clearly been achieved.

Recommendation: The Finance Committee recommends favorable action on Article 2.

Article 3. Zoning By-Law Amendment – Shared Residential Driveway

To see if the Town will amend its Protective Zoning By-Law by deleting from Section 15 the following:

15.1 General

It is the intent of this Section to provide for an optional, minor, exclusively residential development of three (3) lots or less, as an alternative to conventional subdivision development, suitable for some backland lots, while preserving the rural quality of the area through the reduction in access ways, increase in front yard setbacks and the maintenance of existing vegetative and topographic conditions. Any land granted a Special Permit under this Section shall not be further divided or extended except in conformance with the requirements of this Section.

15.6 Design Standards

a. Any land being considered for a Shared Residential Driveway Development shall have at least the minimum amount of frontage as required by the zoning district in which the land is located, for a single residential lot. In addition, the size of the lots being developed shall equal no less than 150% of the minimum lot size per the zoning district, exclusive of wetlands.

And replacing them with the following:

15.1 General

It is the intent of this Section to provide for an optional, minor, exclusively residential development of three (3) lots or less, as an alternative or complement to conventional subdivision development, suitable for some backland lots, while preserving the rural quality of the area through the reduction in access ways, increase in front yard setbacks and the maintenance of existing vegetative and topographic conditions. Any land granted a Special Permit under this Section shall not be further divided or extended except in conformance with the requirements of this Section.

15.6 Design Standards

a. Any land being considered for a Shared Residential Driveway Development shall have at least the minimum amount of frontage on a public way as required by the zoning district in which the land is located, for a single residential lot. In addition, the size of the lots being developed shall equal no less than 150% of the minimum lot size per the zoning district, exclusive of wetlands.

Article 3- Zoning By-Law Amendment – Shared Residential Driveway Explanation:

These minor changes in the language of the bylaw are recommended to eliminate any confusion on the point that Shared Residential Driveways are only allowed on roadways that are, or will become, publicly owned and maintained.

Recommendation: The Finance Committee recommends favorable action on Article 3.

Article 4. Zoning By-Law Amendment – In-Law Apartment

To see if the Town will amend its Protective Zoning By-Law by deleting in its entirety Subsection 4.10A.2, In-law Apartment No Special Permit, that reads:

The gross floor area of the In-law apartment shall not exceed 25% of the existing residence prior to approval of the Building Permit. All new construction or additions for the In-law use shall have a limit of 500 square feet.

And replacing it with the following:

The gross floor area of the In-law apartment shall not exceed 500 square feet or 25% of the finished habitable living space in the existing residence prior to approval of the Building permit, whichever is greater. Any addition to the existing structure for the In-law use shall not exceed 500 square feet.

Article 4. Zoning By-Law Amendment – In-Law Apartment Explanation:-

This by-law has been in use for over a year now, and this paragraph has been found to be confusing. This amendment is an effort to state more clearly the original intention of the paragraph. In the course of our discussions we considered the application of the existing language to smaller homes. Applied to a modest 3-bedroom ranch of 1,000 square feet, the existing language would limit the In-law apartment to 250 square feet, which we felt to be unduly restrictive.

Recommendation: The Finance Committee recommends favorable action on Article 4.

Article 5. Zoning By-Law Amendment – Lot Area Computation

To see if the Town will amend its Protective Zoning By-Law by deleting in its entirety from Section 3 the following:

3.2.3 Lot Area Computation

In computing the area of any lot in any district, no part of a street or public way and no part of any water body bordering the lot or river shall be included.

And replacing it with the following:

3.2.3 Lot Area Computation

In computing the area of any lot in any district, no part of a street or public way and no part of any water body or river bordering the lot shall be included.

At least sixty percent (60%) of the lot area required for minimum lot size zoning compliance, or ten thousand (10,000) square feet, whichever is greater, shall be land exclusive of any resource areas as defined by the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and its corresponding regulations, 310 CMR 10.00, as of the adoption of this requirement. At least ten thousand (10,000) square feet of this “land exclusive of any resource areas” shall be contiguous.

Article 5. Zoning By-Law Amendment – Lot Area Computation Explanation:

The Wetlands Protection Act places strict limits on what property owners can do in wetlands. The current Lot Area Computation language would allow the creation of a lot with only just enough dry land to build a house and drive. The increasing market value of land, currently running at around \$150,000 per buildable lot, encourages developers to squeeze more lots out of a piece of land, and some recently created lots are more than half wetland. This new language seeks to ensure that every new house lot created in Shirley contains within it enough dry land to provide not only a place for the house but also room for a yard and other land to play in.

Recommendation: The Finance Committee recommends favorable action on Article 5.

Article 6. Zoning By-Law Amendment - Low Impact Development

To see if the Town will amend its Protective Zoning by deleting in its entirety Section 4.2 “**Cluster Residential Housing – Special Permits**” as set out in Appendix A of this Warrant, and replacing it with a new Section 4.2A “**Low Impact Development**” as set out in Appendix B of this Warrant, or take any other action relative thereto.

Article 6. Zoning By-Law Amendment - Low Impact Development Explanation:

The Town’s Cluster Residential Housing Special Permit has been in place for years and has been used in about a dozen projects. Cluster bylaws such as ours seek to maintain the density limits set by zoning while allowing the developer to bring the houses closer together, reducing the road lengths and the impact of the project on the land. That portion of the developed tract not given over to houses and infrastructure is set aside as open space, preserved in perpetuity for passive recreation and wildlife and protected from further development. This new version, guided and inspired by the work of the Metropolitan Area Planning Council, Green Neighborhoods Alliance, the Cape Cod Commission, among others, is an effort to further the same goals. The new version differs from the current in various fundamental respects, including the following. Cluster was an option: Low Impact Development (LID) will be the default development method, with standard subdivision being allowed only if a LID is deemed unsuited to the specific tract. The design of a LID project must be done by a Registered Landscape Architect, rather than by an engineer. Careful attention must be given at the start of the project to identification of those aspects of the tract that should be preserved, including woodlands, meadows, wildlife habitat, historic and archeological sites, scenic views and the character of the roadside. The development must be designed only after these “preservation areas” have been identified and “to the maximum extent feasible, the proposed development area shall consist of land outside the identified preservation areas.” We expect that the resulting designs will be less mechanical and tract-like, and more sensitive to the specific property and its setting.

Recommendation: The Finance Committee recommends favorable action on Article 6.

Article 7. Zoning By-Law Amendment- Site Plan Review

To see if the Town will amend its Protective Zoning by deleting in its entirety Section 7 “**SITE PLAN REVIEW AND APPROVAL**” as set out in Appendix C of this Warrant, and replacing it with a new Section 7 “**SITE PLAN REVIEW AND APPROVAL**” as set out in Appendix D of this Warrant, or take any other action relative thereto.

Article 7. Zoning By-Law Amendment - Site Plan Review Explanation:

Under Site Plan Review the Planning Board reviews every industrial or commercial project. Intended to ensure that the project takes all appropriate steps to manage storm water, provide sufficient parking, and satisfy any public safety concerns, it is an opportunity for the Planning Board to oversee the design of the project so that it fits well in its surroundings. Our current Site Plan Review bylaw, at two pages, is framed at a very general level and lacks specific requirements and criteria. This new version, at 14 pages, seeks to lay out in some detail what the Planning Board shall expect to see in a commercial or industrial project and the criteria that the Board shall use to judge whether the project is to be approved, or not. Applications under the new version must include information about the building, including drawings of exterior elevations and details about the materials to be used. The six pages of approval criteria seek to ensure, among other things, “the development’s visual compatibility with the surrounding area”, the “protection and enhancement of important existing site features, natural or man-made”, and that the building is “compatible with the built and natural environment and reflect[s] the traditional image of Shirley as a New England agricultural town.”

Recommendation: The Finance Committee recommends favorable action on Article 7.

Article 8. Zoning By-Law Amendment – Schedule of Use Regulations

To see if the Town will amend its Protective Zoning By-Law, Section 2.6, Schedule of Use Regulations, by adding the following:

1.1 USE	DISTRICT							
	R-R	R-1	R-2	R-3	C-1	C-2	I	MU
Formula restaurants	N	N	N	N	N	SP	SP	N

and by adding the following to Section 11, Definitions:

11.31 Formula Restaurant: A business which is required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, employee uniforms, interior décor, signage, and exterior design.

Article 8. Zoning By-Law Amendment – Schedule of Use Regulations Explanation:

In April 2004 a petition was circulated urging that “formula restaurants” be banned from the Village. After discussion at the last STM (Nov. 8, 2004), a motion was made and approved to send the article to the Planning Board for a report. The Planning Board presents this article as a clear, unambiguous expression of the intentions and expectations of the signers of that petition

Recommendation: The Finance Committee DOES NOT recommend favorable action on Article 8.

Article 9. Rate of Development By-Law

To see if the Town will amend its Protective Zoning Bylaw by deleting in its entirety subsection 2.9.5 “Time Limitation and Extension”:

This Section shall expire on December 31, 2005, provided however, that this Section may be extended without lapse of its provisions and limitations, by vote of the Town Meeting prior to September 10, 2005.

and replacing it with the following:

This Section shall expire on December 31, 2010, provided however, that this Section may be extended without lapse of its provisions and limitations, by vote of the Town Meeting prior to September 10, 2010.

Article 9. Rate of Development By-Law Amendment Explanation:

This proposed amendment extends the Rate of Development By-Law established at the Special Town Meeting held on September 11, 2000 for an additional five years. When this By-Law was adopted there was a rush to submit applications during the time period leading up to the adoption of the By-Law. As a result the Town has not realized the full effect of the By-Law due to sub-divisions being “on the books” prior to its adoption. By extending this By-Law for an additional five years it will allow the Town Boards, Commissions, and Departments the necessary information, time, and capacity to plan for and accommodate growth in an orderly and resource efficient manner for the future.

Recommendation: The Finance Committee recommends favorable action on Article 9.

Article 10: Demolition Delay By-Law

To see if the Town will amend the provisions of the Shirley Town By-Laws by adding thereto Article XXVII “DEMOLITION DELAY BY-LAW”, as it appears in Appendix E of this Warrant, or take any other action relative thereto.

Article 10: Demolition Delay By-Law Explanation:

The intent and purpose of this by-law is to preserve and protect from demolition, whenever possible, historically significant buildings and structures; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; and thereby preserve the historic resources of the Town, making the Town a more desirable and attractive place in which to live, and so promote the general welfare.

Recommendation: The Finance Committee recommends favorable action on Article 10.

Article 11: Amendment - Non-Zoning Wetlands By-Law

To see if the Town will amend ARTICLE XIX, NON-ZONING WETLANDS BY-LAW as shown in Appendix F of this Warrant, by deleting it in its entirety and inserting in its place a revised ARTICLE XIX, NON-ZONING WETLANDS BY-LAW as it appears in Appendix G of this Warrant, or take any other action relative thereto.

Article 11: Amendment - Non-Zoning Wetlands By-Law Explanation:

The purpose of this amendment to the non-zoning Wetlands By-Law is to supplement the Commonwealth’s Wetlands Protection Act, to further protect the wetlands, related water resources, and adjoining land areas in the Town by regulating activities likely to have significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife habitat, and rare species habitat deemed important to the community. This Bylaw is intended to utilize the Home Rule authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act.

Recommendation: The Finance Committee recommends favorable action on Article 10.

Article 12: Transfer of Funds from Previous Capital Authorizations

To see if the Town will a) transfer and appropriate \$5,790.65 of the amount remaining from the appropriation voted under Article 3(D) – Replace Roof , of the warrant for the June 13, 2000 Annual Town Meeting, “Appropriate for Capital Improvements Program for Fiscal Year 2001 by Transfer from Available Funds” and b) transfer and appropriate \$1,000.00 of the amount remaining from the appropriation voted under Article 15(C) – Obtain Architectural Services, of the warrant for the June 13, 2000 Annual Town Meeting “Appropriate for One-time Projects & Purchases (under \$10,000) by a Transfer from Available Funds”, to the Town’s Stabilization Fund.

Article 12: Transfer of Funds from Previous Capital Authorizations Explanation:

This Article transfers previously unexpended capital “cash” authorizations totaling \$6,790.65 (5,790.65 from a 2000 capital “cash” authorization – Replace Roof at the Center Town Hall) and \$1,000 from a 2000 capital “cash” authorization – Architectural Services for the Center Town Hall) to the Stabilization Fund. Initially the Center Town Hall Committee thought these funds could be used to renovate the restroom within the building, however, the cash authorization was specific to the projects defined. Therefore, this article proposes to transfer the funds remaining in the cash authorizations for these two projects to the Stabilization Fund and issue a “Bond or Borrowing” Authorization for the estimated cost of the repairing the restrooms at the Center Town Hall as set forth in Article 13 below

Recommendation: The Finance Committee recommends favorable action on Article 12.

Article 13: Appropriate for Capital Improvements for FY05 by Borrowing.

To see if the Town will appropriate the following sums of money, to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described;

And, to meet such appropriations, authorize the Treasurer, with the approval of the Selectmen, to borrow not exceeding said sums, and to issue bonds or notes of the Town therefor, in accordance with the referenced provisions of the Massachusetts General Laws as amended, or otherwise;

A. Repairs to the Center Town Hall

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3(A), or otherwise.

Amount:	\$10,000
Funds to be expended by:	Center Town Hall Committee
Purpose:	Costs associated with the repair, replacement, remodeling, extraordinary repairs or enhancements to Center Town Hall.

B. Police Station/Municipal & School Complex Surveillance System/Upgrade to the E-911 System

Statutory reference: Massachusetts General Laws, Chapter 44, Section 7, Clause 3(A), or otherwise.

Amount:	\$25,000
Funds to be expended by:	Police Department & Board of Selectmen
Purpose:	Costs associated with the installation of a Surveillance System within defined rooms of the Police Department and parking areas within the Municipal & School Complex and for mandated upgrades to the Enhanced 911 System.

Article 13: Appropriate for Capital Improvements for FY05 by Borrowing .Explanation:

This Article proposes that the Town borrow in order to a) undertake the repair to the restroom at the Center Town Hall; and b) install a surveillance system within defined rooms within the Police Department as required by the District Attorney's Office, install outside surveillance cameras in the Hazen Library/Town Offices/School parking lots, and finally, mandated upgrades to the Police Department's Enhanced 911 System. This is being proposed for borrowing based on the present need, the dollar amounts, and its long useful life.

Recommendation: The Finance Committee recommends favorable action on Article 13.

Article 14. Reduce Appropriations for the Current Fiscal Year

To see if the Town will reduce by the following sums of money the amount appropriated under the specified Lines and Accounts of the following Departmental Budgets for the current Fiscal Year under Article 7 of the warrant for the June 14, 2004 Annual Town Meeting:

<u>Department</u>	<u>FY05 Line & Account</u>	<u>Reduction Amount</u>	<u>Revised Appropriation</u>
Dog Officer	#292 – Salary, Appointed Position	\$ 1,261.00	\$ 10,966.00
General Fund Debt Service	#711- Short Term Interest	\$ 4,800.00	\$ 9,363.00
Debt Issue Cost	#712 –Expense	\$ 35,000.00	\$ 0.00
Group Health/Life Insurance	#914 – Expenses	\$ 50,000.00	\$ 999,395.00

Article 14. Reduce Appropriations for the Current Fiscal Year Explanation:

This Article reduces current Fiscal Year unneeded or non-priority cash appropriations. It is proposed that these

proposed reductions to current year appropriations (totaling \$91,061) combined with the other sources of revenues defined below (totaling \$122,480) will be used to support the supplemental appropriations of \$213,541 set forth in Article 15 below. Specifically, the following FY05 appropriations and line item are proposed to be reduced for the following reasons:

Cost of Bond Issuance: \$35,000

- As approved by Selectmen, the proposal is to “defer” the issuance of the Capital Bonds from the Spring of 2005 to the Spring of 2006. Although we will achieve a \$35,000 savings for FY05 we will need to re-appropriate it in FY06.

Dog Officer Salary: \$1,261

- With the recent resignation and proposed realignment of the Dog Officer’s position, there is an estimated \$1,261 surplus in this line item for FY05.

Health/Life Insurance: \$50,000

- The Town estimated a 10% increase in Health/Life Insurance for FY05 which was later was determined be only an 8.5%. This reduction combined with an anticipated savings of approximately \$40,000 through the Selectmen’s “Insurance Buy-Out Program” makes these funds available for re-allocation.

Short Term Interest: \$4,800

- In order to prevent a reduction in end-of-year free cash, the Town must issue BANS (Bond Anticipation Notes) for those capital items expended, but not yet Bonded. Due to the slightly less than anticipated interest rates at the time (three issuances totaling \$720,000 sold at rates of 1.39%, 1.75% and 1.89% vs. a projected interest rate of 2%) there is now \$4,800 surplus in this line item which can be re-appropriated in FY05.

Other Revenue Sources to Fund Deficit

Legal Settlement: \$39,527.19

- Town’s share of a legal settlement from the shooting of Sergeant Dale Prentiss. Immediately after the shooting, the Selectmen placed a lien on the recovery of funds to support the Town’s out-of-pocket medical expenses. Upon receipt, the funds will be placed in a revenue reserve account to make them available for the March 2005 STM.

Center Town Hall Capital: \$6,970.65

- Currently there are two (2) capital “cash” authorization for Architectural Fees and Repair of the Roof for the Center Town Hall as authorized in 2000 and 2001, respectfully. The Center Town Hall Committee is in the process of renovating the Bathroom at the facility and wanted to utilize these funds for such purpose. The Selectmen are proposing the balances for these projected be transferred to the Stabilization Fund and requesting an Borrowing Authorization at the STM for the full cost of the project estimated to be \$10,000. Once the funds are in the Stabilization Fund, it is proposed that they be transferred to the School to support their deficit.

Stabilization Fund: \$ 75,982.16

- At the November 2004 STM, due to increasing State Revenues unknown at the June 2004 ATM, the Deficit Committee agreed the unanticipated surplus was to be transferred to the Stabilization Fund, increasing the Stabilization Fund to a total of approximately \$425,000. By utilizing most of the \$76,000 deposited in November, the Stabilization Fund will remain at the same level it was expected to be at the close of June 2004 ATM. Please note that with the utilization of the these additional funds it will mean that \$190,000 was used to support the FY05 operational budget and the Stabilization Fund will have a balance of approximately \$350,000 for use in FY06, FY07 and beyond. In addition, this will leave approximately 3% of the Town’s operating budget in the Stabilization Fund; ideally, the Town should maintain 5% balance of operational budget in the Stabilization Fund.

Recommendation: The Finance Committee recommends favorable action on Article 14.

Article 15. Supplement Appropriations for Current Fiscal Year

To see if the Town will appropriate the following sums of money, to be expended by the Departments indicated, in order to supplement the specified Line Items in their respective Budgets for the current Fiscal Year as voted under Article 7 of the warrant for the June 14, 2004 Annual Town Meeting.

<u>Department</u>	<u>FY05 Line & Account</u>	<u>Supplemental Amount</u>	<u>Revised Appropriation</u>
School Department	#332 - SPED Out of District Tuition	\$ 142,217.00	\$ 1,033,653.00
Snow & Ice Removal	#423 - Expenses	\$ 50,000.00	\$ 114,500.00
Unemployment Ins.	#913 - Expenses	\$ 21,324.00	\$ 86,324.00

Such appropriation to be provided by a transfer from the Stabilization Fund and available funds.

Article 15. Supplement Appropriations for Current Fiscal Year Explanation:

This Article supplements FY05 operational budgets as discussed by the FY05 Deficit Committee. The total amount being requested is \$213,541 which will be supported by the proposed reduced appropriations defined in Article 14 combined with the other sources of revenue detailed the Article 14 Explanation. The following is a summary of the proposed supplements to FY05 Budgets:

School District: \$142,217

- *This is a revised Deficit as defined by the School Committee at the Deficit Meeting of February 24, 2005. Initial deficit was projected to be \$212,802, with the School Department is “absorbing” approximately \$55,885 of the initial deficit.*

Snow & Ice Deficit: \$50,000

- *Currently projected to be approximately \$95,000 less anticipated “State of Emergency” reimbursement of an estimated \$15,000, leaving a projected deficit of \$80,000. Any deficit remaining at the close of the year will impact FY06 available funds and the FY06 Budget which through current projections is already in the deficit by approximately \$600,000 to \$700,000. This proposal is to fund a portion of the deficit with unexpended funds in the FY05 budget and the balance through FY06 available funds.*

Unemployment Insurance: \$21,324.00

- *Based on proposed school layoffs by the School, it is estimated that unemployment compensation will increase over FY05 and FY06 by approximately \$60,700. The \$21,324.00 amount proposed is the FY05 share of the cost of these layoffs. This amount plus the anticipated balance of \$7,000 in the line item should provide enough funds for the prorated share of the FY05 unemployment costs. The balance of the total unemployment cost for these layoffs or approximately \$39,466 will be needed to be appropriated in FY06.*

Recommendation: The Finance Committee recommends favorable action on Article 15.

Article 16: Citizen Petition - Recreational Vehicles By-Law Amendment

To see if the Town will amend its Bylaws, Article XVIII “Recreational Vehicles”, by deleting in its entirety Section 2, which currently reads:

Section 2. No person shall operate a snow vehicle or recreation vehicle on private property without the permission of the owner of said property. In addition, no person shall operate such vehicle within 300 feet of an occupied residence without the permission of the owner or tenant of said residence.

and replacing it with the following:

Section 2. No person shall operate a snow vehicle or recreation vehicle on private property without the permission of the owner of said property.

Article 16: Citizen Petition - Recreational Vehicles By-Law Amendment Explanation:

This proposed amendment to the Town By-Law is a citizens petition which would delete the sentence "In addition, no person shall operate such vehicle within 300 feet of an occupied residence without the permission of the owner or tenant of said residence."

Recommendation: The Finance Committee does not express an opinion on Article 16 do to the lack of information.

* * * *

And you will serve this Warrant by posting true and attested copies of same at the Town Offices in Shirley Village, at the Center Town Hall in Shirley Center, and a like copy at the United States Post Office in Shirley Village, fourteen days at least before the time appointed for said Meeting.

Hereof fail not and make due return of this Warrant with your doings therein to one of the Selectmen, on or before the date of the Meeting.

Given under our hands at Shirley, this Seventh Day of March, 2005

BOARD OF SELECTMEN

Leonardo M. Guercio
Chairman

Ellen M. Doiron

Charles R. Shultz, Jr

A true copy.

Attest:

Sylvia L. Shipton
Town Clerk

* * * *

RETURN OF SERVICE

I certify that on the Seventh Day of March, 2005, I duly posted true and attested copies of the foregoing Warrant at the following places and times:

Town Offices _____M.

U. S. Post Office _____M.

Center Town Hall _____M.

Constable

* * * *